

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as
Administratrix of the Estate of EVELINE
BARROS-CEPEDA,
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S EMERGENCY
MOTION TO COMPEL NONPARTY WITNESS' MARIA DAROSA'S DEPOSITION
TESTIMONY**

After several attempts to obtain Ms. DaRosa's assistance voluntarily through her counsel have proved futile, the Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move this Honorable Court pursuant to Fed. Civ. R. P. 37 for an order compelling the nonparty witness, Maria DaRosa, to answer the majority of deposition questions she refused to answer on Fifth Amendment ground in the above-captioned matter. As grounds therefore, the Defendants assert that the Fifth Amendment does not apply to the majority of questions posed and accordingly, Ms. DaRosa must be required to answer and provide testimony.

In support of said motion, the Defendants submit the accompanying Memorandum of Law.

WHEREFORE: The Defendants City of Boston and Thomas Taylor, Jr. respectfully request that this Honorable Court allow their motion.

Respectfully submitted,
DEFENDANTS, THOMAS TAYLOR, JR.
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon Maria DaRosa's counsel and lead plaintiff's counsel, Andrew Stockwell-Alpert, by facsimile, email, electronic filing and by postage prepaid, first class, U.S. Mail.

5/2/08 /s/ Helen G. Litsas

Date Helen G. Litsas

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Maria DaRosa's attorney, Eduardo Masferrer, and Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion To Compel*, and we were unable to narrow the issues.

5/2/08 /s/ Helen G. Litsas

Date Helen G. Litsas